

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. UKI COMMUNICATIONS, INC., Respondent.	DOCKET NO. FCU-02-27
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ORDER ASSIGNING TO ADMINISTRATIVE LAW JUDGE

(Issued January 30, 2004)

On December 31, 2002, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties against UKI Communications, Inc. (UKI), pursuant to Iowa Code § 476.103, for an alleged violation of the Board's slamming rules.

On January 21, 2003, UKI filed a response and a motion to dismiss Consumer Advocate's petition.

On January 8, 2004, the Board issued an order docketing Consumer Advocate's petition as a formal proceeding, identified as Docket No. FCU-02-27,

denying UKI's motion to dismiss the petition, and requesting a status report from the parties.

On January 26, 2004, the parties filed a joint status report stating that they adhere to their previously stated positions.

This status report is inadequate. It does not tell the Board anything about the status of the proceeding. For example, it does not indicate whether the parties have been discussing the case; whether discovery is underway or completed; or whether the parties are ready to have a hearing scheduled or prefer to have more time to negotiate. Further status reports should be more informative.

In its January 8, 2004, order, the Board determined that there is sufficient information to warrant further investigation in this matter. Since the parties have not provided any additional information in this case, pursuant to Iowa Code § 17A.11(1)"b" (2003) and 199 IAC 7.1(4), the Board will assign this matter to an administrative law judge (ALJ) for further proceedings. The ALJ will, among other things, set a hearing date, preside at the hearing, and issue a proposed decision.

IT IS THEREFORE ORDERED:

Pursuant to Iowa Code § 17A.11(1)"b" and 199 IAC 7.1(4), this docket is assigned to the Board's administrative law judge, Amy Christensen, to conduct a

hearing and issue a proposed decision. The administrative law judge shall have the authority provided under 199 IAC 7.1(4)"a" through "j."

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 30th day of January, 2004.